



ENTERED  
08/07/2009

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:	§	
	§	Jointly Administered Under
NIGHTHAWK TRANSPORT I, L.P., <i>et al.</i>	§	Case No. 09-34992
	§	
Debtors.	§	(Chapter 7)

**AGREED INTERIM ORDER ON BANK OF AMERICA, N.A.'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY OF AN ACT AGAINST PROPERTY [DOCKET NO. 21] AND BANK OF AMERICA, N.A.'S EMERGENCY MOTION FOR RELIEF FROM THE AUTOMATIC STAY OF AN ACT AGAINST PROPERTY [DOCKET NO. 22]**

Came on for preliminary hearing Bank of America, N.A.'s Motion for Relief from the Automatic Stay of an Act Against Property [Docket No. 21] (the "Stay Motion") and Bank of America, N.A.'s Emergency Motion for Relief from the Automatic Stay of an Act Against Property [Docket No. 22] (the "Emergency Motion," and collectively with the Stay Motion hereinafter, the "Motions"). The Court finds that notice of the preliminary hearing was proper and that the agreement of the parties reflected in this agreed interim Order should be approved pending a final hearing on the Motions. Therefore, it is

**ORDERED** that a further interim hearing will be held on August 26, 2009 at 9:15 a.m. at which time the Court will consider proposals made by the Trustee with respect to an orderly method of liquidation of Bank of America's alleged collateral as additional adequate protection for Bank of America's interests; It is further

**ORDERED** that the final hearing on the Motions will be held on August 28, 2009, at 9:30 a.m. (the "Final Hearing") and that, except as modified by this Order, the automatic stay shall continue in effect until the Final Hearing. It is further

**ORDERED** that as adequate protection to Bank of America, N.A., pending the Final Hearing, the automatic stay is modified to allow Bank of America, N.A., to apply the funds held

and being received in its blocked account, with a current balance as of August 3, 2009 of \$2,663,118, to the outstanding balance under the Revolving Loan Agreement (as defined in the Motions). It is further

**ORDERED** that, as additional adequate protection, the automatic is modified to allow, and the Trustee is directed to pay the sum of \$2,528,186.38 representing collected accounts receivable, to Bank of America, N.A., which shall be allowed to apply such funds to the outstanding balance under the Revolving Loan Agreement (as defined in the Motions). It is further

**ORDERED** that this Order is without prejudice to any of the rights of the Trustee or Bank of America, N.A., including but not limited to any right of the Trustee to seek avoidance or disgorgement of any payments or application of funds under this Order. It is further

**ORDERED** that the stay imposed by Fed. R. Bankr. R. 4001(c)(3) is vacated as to this Order.

Signed: 8-7-09

  
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**THE HONORABLE MARVIN ISGUR,**  
**UNITED STATES BANKRUPTCY JUDGE**